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March 29, 2005

VIA HAND DELIVERY

Nancy Rubin, Esq.
Legal Counsel
Miami-Dade County
Dept. of Planning & Zoning
111 N.W. First Street, 11th Floor
Miami, FL 33128

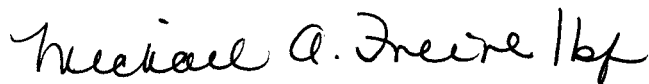
Re: Jose Milton (04-424)

Dear Ms. Rubin:

Enclosed please find revised disclosures of interest forms in connection with the above-referenced application. As you know this matter is scheduled to be heard by CZAB-5, Thursday, March 31, 2005.

Thank you for your considerate attention to this matter. As always, please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,



Michael A. Freire
Land Use Consultant

Enclosures

cc: Franklin Gutierrez

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November 15, 2004

VIA HAND DELIVERY

Ms. Diane O'Quinn Williams
Miami-Dade County Department of
Planning and Zoning
Eleventh Floor
111 N.W. First Street
Miami, Florida 33128

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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Re: *Jose Milton and the Village Shopping Center Trust*

Property Locations: 6790 NW 186 Street and 18255-18345 NW 68th Avenue

Property Folio Numbers: 30-2011-003-0010 & 30-2011-005-0010

LETTER OF INTENT

Dear Ms. Williams:

Please accept this correspondence as our formal Letter of Intent in connection with your Department's rules and regulations for filing a Miami-Dade County Department of Planning and Zoning Application for Public Hearing. This firm represents Jose Milton and the Village Shopping Center Trust ("Applicants"), the owners of approximately 19.312 contiguous acres of land situated along NW 186th Street and NW 68th Avenue in Miami-Dade County.

The properties that comprise the subject of this application include a 13.204± acre tract of land located at 6790 NW 186 Street (hereinafter the "Country Club Towers Subdivision") together with a 6.108± acre tract of land located at 18255-18345 NW 68th Avenue (hereinafter the "Country Club of Miami Village Center"). By and through the enclosed public hearing application, the Applicants respectfully requests the following: Pertaining exclusively to the Country Club of Miami Village Center property—(1) a district boundary change from BU-1A to RU-4; (2) deletion of three agreements executed on May 5th, 1971, tying the commercial development of the Country Club of Miami Village Center property to plans prepared by Carson Bennett Wright entitled Apartment Complex for Country Club of Miami as recorded in ORB 7397, pages 597 through 603, ORB 7397, pages 604 through 609, and in ORB 7397, pages 620

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through 625; (3) a non-use variance to permit the construction of the proposed parking garage at the Village Center property with a setback of 15' from the east side property line and 20' from the rear property line; Pertaining exclusively to the Country Club Towers property—(4) modification of Resolution No. 4-ZAB-98-85 substituting previously approved development plans with those submitted in conjunction with this application; Pertaining to both the Country Club of Miami Village Center and the Country Club Towers properties—(5) an unusual use for two entrance features permitting a guardhouse, a decorative fountain and four separate gated entranceways that will collectively service the proposed unified residential community.

Statement of Proposed Development

As shown on the attached development plans prepared by architect Salvador M. Cruxent dated October 28, 2004, the Applicants are seeking zoning approval to redevelop the Country Club of Miami Village Center into residential apartments and to unify the Village Center property with the existing Country Club Towers apartment complex—its neighbor to the north—through the execution of a Declaration in Lieu of a Unity of Title, a draft copy of which is attached hereto. The proposed development, if approved, will allow for a free flowing residential community where residents can share and enjoy large open green spaces and common areas, swimming pools, recreational buildings, ingress and egress access points to and from both N.W. 186th Street and N.W. 68th Avenue, and ample off street parking.

Based upon the following analysis, we submit that the proposed redevelopment of the Country Club Village Center, the planned improvements to the Country Club Towers property, and described unification of the two properties are consistent with the goals, policies, and objectives of the Miami-Dade County Comprehensive Development Master Plan (CDMP) and are compatible with the surrounding area.

A. Consistency

The two properties made a part of this application enjoy individual and distinct land use designations and zoning classifications. The Country Club of Miami Village Center is currently developed and operated as a commercial retail complex and is designated OFFICE/RESIDENTIAL on the County's CDMP Future Land Use Map. According to the Land Use Element of the CDMP, residential development within the OFFICE/RESIDENTIAL category is permitted to proceed at "one density [level] higher than that allowed in the adjoining or adjacent residentially designated area on the same side of the abutting principal roadway." (CDMP Land Use Element I-36). In the instant case, all residentially designated areas abutting the Village Center property are designated MEDIUM DENSITY residential permitting 13 to 25 dwelling units per gross acre. One category higher than this density level is MEDIUM-HIGH DENSITY residential, which permits development of 25 to 60 dwelling units per gross acre. In terms of the Village Center property, this provision of the CDMP supports a density level of 366 residential units. In turn, the RU-4 zoning classification, which is currently being proposed by the Applicants for this property, supports a development density of 55 units per net acre with the

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allocation of severable use rights.¹ Collectively, therefore, the development density regulations applicable to the Country Club of Miami Village Center property permit the construction of 336 residential units. As a result, the Applicant's request for approval to develop 335 residential units at the Village Center property is consistent with the density regulations applied through both the CDMP and Chapter 33 of the Miami-Dade County Code.

Provided that the application to rezone the Village Center property is approved, the Applicants proposes to unify the Village Center property with the Country Club Towers property in order to provide for one cohesive residential community. Physical changes to the Country Club Towers property will be minor. In fact, the only changes that will occur, if this application is approved, will be a slight reconfiguration of the private roadways within the Country Club Towers property to provide for interconnectivity between the properties, relocation of the points of ingress and egress, and the creation of a new rental office/gymnasium building, pool deck, and recreation. To effectuate this goal of developing an interconnected and cohesive residential development the Applicants seeks a modification of Resolution No. 4-ZAB-98-85, passed and adopted by the Metropolitan Dade County Zoning Appeals Board on the 27th day of March, 1985, which tied the Country Club Towers to certain development plans. Specifically, the Applicants hereby respectfully requests the following modification to Resolution 4-ZAB-98-85 attached to and affecting the Country Club Towers property:

Modification of Condition #1 of Resolution No. 4-ZAB-98-85, passed and adopted by the Metropolitan Dade County Zoning Appeals Board on the 27th day of March, 1985 which modified Condition #3 of Resolution Z-190-71, passed and adopted by the Board of County Commissioners on the 16th day of September, 1971 and further modified by Resolution Z-255-74, passed and adopted by the Board of County commissioners on the 24th day of September, 1974 as follows:

From: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Apartments Conversion for Country Club Towers', as prepared by Salvador M. Cruxent, Architect, dated 12-20-84, and consisting of 3 pages."

To: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Country Club Towers Second Phase', as prepared by Salvador M. Cruxent, Architect, dated 10-28-04, and consisting of 18 pages."

A copy of Resolution 4-ZAB-98-85 is attached hereto as Applicants' Exhibit "C".

¹ See Miami-Dade County Code Section 33B-45 (2004).
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B. Compatibility

In addition to the forgoing, the proposed residential development is also compatible with the surrounding area. The term *compatible*, as defined in the American Heritage Dictionary, means "capable of existing or performing in harmonious, agreeable, or congenial combination." It denotes an element of commonality between two items but it does not require those items to be identical. The Village Center property is situated among a variety of commercial, residential, and public facility uses. A survey of land uses within this area demonstrates that the proposed residential development of the Village Center does indeed share a commonality to adjacent development and, as such, is "compatible" with the development density and intensity of the community.

The provision of Section I-36 of the CDMP is applicable to the facts of the present application. The fourth provision of that Section addresses compatibility and, in doing so, provides for the following development restrictions:

"Residential uses are also allowed in the Office/Residential category. In these locations, residential density may be approved up to one density category higher than that allowed in the adjoining or adjacent residentially designated area on the same side of the abutting principal roadway, or up to the density of existing adjoining or adjacent residential development, or zoning if the adjacent or adjoining land is undeveloped whichever is higher."

This provision of the CDMP acts to encourage future residential development within the OFFICE/RESIDENTIAL district and, at the same time, ensures compatibility with adjacent uses by restricting development based upon the permitted density level of adjacent residential communities. As aforementioned, the Village Center is almost entirely surrounded by land designated MEDIUM DENSITY residential. As such, in accounting for elements of sound urban planning, the CDMP directs that any future residential development of the Village Center should occur in accordance with the provisions governing development within the MEDIUM-HIGH DENSITY category. Section I-25 of the Future Land Use Element discussing the MEDIUM-HIGH DENSITY category provides as follows:

This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas.

As expressed earlier in this letter, the overall dimensions of the subject properties comprise nearly 20 contiguous acres of land. The proposed development satisfies and, in many

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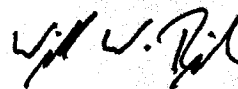
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instances, exceeds the Code requirements for green space, spacing dimensions, off-street parking, and recreational facilities. Moreover, the proposed redevelopment is compatible with the surrounding area. The character of the "surrounding area" is defined with: (1) a 108,964± square foot retail-shopping plaza situated on 11± acres located immediately to the west of the Country Club Towers property; (2) a 30±-acre senior high school located immediately west of the Village Center property; (3) a 348-unit apartment building located immediately east of the subject properties, directly across NW 68th Avenue; and (4) the existing 320 unit Country Club Towers property. To the south of the properties lies two individual tracts of land, one zoned commercial under the BU-1A classification and the other zoned limited apartment house residential (RU-4L) allowing the development of 23 residential units per net acre. In addition, a 330-unit multi-family apartment complex is located at 7055 NW 186 Street and a 768 unit apartment complex, with heights up to 5 stories, is located at 7010, 6990, 6970, 6952, & 6930-92 NW 186 Street.

In terms of aesthetic considerations for height comparisons, it is important to note that the two proposed six story residential towers, as shown on the enclosed development plans, have a height of 53 feet. The three existing five story towers at the Country Club Towers property are approximately 43 feet and 4 inches in height, leaving a height differential of only 9 feet and 6 inches. As such, the difference in height comparisons between the new and old residential towers will be *de minimis* and practically unnoticeable at pedestrian/street level.

Thank you for your consideration of this application. We look forward to your favorable review of the enclosed Application. If we can provide you with additional information or documents, please do not hesitate to contact me at (305) 375-6139.

Very truly yours,



William W. Riley

Enclosure

cc: Jose Milton
Stanley B. Price, Esquire